

## **REMARKS**

With entry of this amendment, claims 14-44, and 50-54 are pending in the application. By this amendment, claims 1-13, and 45-49 have been canceled, and claims 14, 15, 22, and 50 have been amended, without prejudice, for clarity and in accordance with the Examiner's suggestions. Also by this amendment, the specification has been amended to withdraw an amended priority claim presented in Applicant's previous submission. All of the amendments herein are fully supported by the disclosure, and no new matter has been added to the application.

### **Oath/Declaration and Priority**

Applicant has, by amendment to the specification herein, withdrawn the amended priority claim presented in Applicant's previous submission, without prejudice. Issues regarding the timeliness of said priority claim, and support for the withdrawn priority claim based on the original Oath/Declaration, are therefore rendered moot. Applicant reserves the right to perfect a revised priority claim in a related application to be filed based on the instant application and supportive of continued prosecution for claims cancelled or withdrawn in the instant application.

### **Patentability Under 35 USC § 112**

The Office Action sets forth certain rejections under 35 USC § 112. The only rejection that is not rendered moot by cancellation of claims herein pertains to claim 15, which rejection has been resolved by amendment of the subject claim herein in accordance with the Examiner's suggestion.

### **Claim Rejections -35 USC § 102**

Claims 1-13, 45 and 46 remain rejected under 35 U.S.C. 102(e) as allegedly anticipated by Quay et al. (521). In addition, claims 1-13, 45 and 46 remain rejected under 35 U.S.C. 102(f) over Quay et al. ('521). Finally, claims 1-4, 12, 13 and 47-49 remain rejected under 35 U.S.C. 102(e) as allegedly anticipated by Covington et al. ('513).

Applicant believes that an amended priority claim for the subject matter thus rejected will overcome the foregoing rejections. Therefore, Applicant has cancelled the subject claims herein, without prejudice, and reserves the right to perfect a revised priority claim in a related

application to be filed based on the instant application in support of continued prosecution for the subject claims cancelled or withdrawn in the instant application. Cancellation of the subject claims herein renders the foregoing rejections moot in the instant case. This withdrawal of subject matter is made with traverse and without admission or acquiescence to the substance or merits of the rejections.

### **Double Patenting**

Claims 1-8, 11, 12, 45 and 46 remain rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-3, 5-9 and 11 of U.S. Patent No. 6,287,521.

Applicant notes that the foregoing rejection will be obviated by the filing of a terminal disclaimer over the '521 patent. To advance the instant application to issuance, and without admission or acquiescence to the subject matter or merits of the double patenting rejection, Applicant will promptly submit a Terminal Disclaimer, under separate cover, to obviate the subject rejection.

### **Allowable Subject Matter**

The Office has fully considered the subject application, claims, and prior art of record and has found that claims 14, 16-44 and 50-54 are allowable if amended to include the limitations of the base claim and any intervening claims. Said amendments are presented herein as suggested by the Examiner, without prejudice to further prosecution of additional subject matter supported by the disclosure in a related application, whereby it is believed that the subject claims are in condition for allowance.

The Office has fully considered the subject application, claims, and prior art of record and has found that claims 15 would also be allowable if amended to include the limitations of the base claim and any intervening claims, and to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in the Office action. Said amendments are presented herein as suggested by the Examiner, without prejudice to further prosecution of additional subject matter supported by the disclosure in a related application, whereby it is believed that claim 15 is also in condition for allowance.

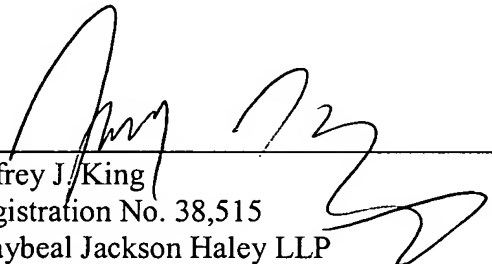
Regarding the Examiner's statement of reasons for allowance relating to claims 14-44, and 50-54, Applicant agrees that the subject elements and limitations in these claims noted by the Examiner are not disclosed or suggested by the art of record. However, Applicant further submits that additional aspects of the subject claims not noted by the Examiner are apparent from the record which also independently impart patentability to the subject invention(s) of these claims.

In view of the foregoing, Applicant believes that all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425-455-5575.

Respectfully submitted,

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